

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jane Schubert and Muhlenberg College

(b) County of Residence of First Listed Plaintiff Lehigh County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dennis M. McCarthy, Esq., 645 Hamilton Street,
Suite 510, Allentown, PA 18101, 610-435-0450

DEFENDANTS

Alexander Isinhue

County of Residence of First Listed Defendant Orange County, CA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Michael J. D'Aniello, Esq., Law Office of Michael J. D'Aniello
509 Swede St, Norristown, PA 19401, 610-270-8800

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332 and 1446
Brief description of cause:
Defamation, Intentional Infliction Emotional Distress, Trademark Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** over \$75,000 **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE July 17, 2024 SIGNATURE OF ATTORNEY OF RECORD /s/ Michael J. D'Aniello, Esq. (attorney ID 38362)

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

THE LAW OFFICE OF MICHAEL J. D'ANIELLO
BY: MICHAEL J. D'ANIELLO, ESQUIRE
ATTORNEY I.D. NO. 38362
EMAIL: michael@daniellolaw.com
BY: JANINE D. MARTIN, ESQUIRE
ATTORNEY I.D. NO. 307224
EMAIL: janine@daniellolaw.com
509 SWEDE STREET
NORRISTOWN, PENNSYLVANIA 19401
(610) 270-8800

ATTORNEYS FOR DEFENDANT

JANE SCHUBERT and
MUHLENBERG COLLEGE

Plaintiffs

v.

ALEXANDER ISINHUE

Defendant.

: IN THE UNITED STATES DISTRICT COURT
: EASTERN DISTRICT OF PENNSYLVANIA

:

: No.

:

:

:

:

:

:

NOTICE OF REMOVAL

Defendant Alexander Isinhue, by and through his undersigned counsel, hereby files this Notice of Removal of this case to the United States District Court for the Eastern District of Pennsylvania and avers the following:

1. Plaintiffs Jane Schubert and Muhlenberg College initiated this action on October 10, 2023. In that Original Complaint, the defendant was "John Doe."

2. On June 5, 2024, Plaintiffs filed an Amended Complaint naming Mr. Isinhue as the defendant.

3. On June 19, 2024, Mr. Isinhue was served with a copy of the Amended Complaint by personal service.

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days from the date of original service on Mr. Isinhue.

5. Mr. Isinhue is now (and was at the time of the initiation of this Action) a resident of the state of California and has been a resident of California at all times relevant to this Action.

6. The amount in controversy in this Action is in excess of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, in that Plaintiffs allege in their Complaint four separate claims, two claims for each Plaintiff, with alleged damages for each claim in excess of \$50,000.00, including treble damages, punitive damages, and attorneys' fees.

7. Accordingly, this Court has diversity jurisdiction over this matter in accordance with 28 U.S.C. § 1332(a)(1).

8. Moreover, in addition to diversity jurisdiction, this Court has federal question jurisdiction over this matter in accordance with 28 U.S.C. §1331 as Plaintiffs' Amended Complaint alleges a Trademark Infringement claim pursuant to federal trademark law, including the Lanham Act, 15 U.S.C. §1114.

9. The remaining claims in the Amended Complaint are defamation and intentional infliction of emotional distress, over which this Court has supplemental jurisdiction pursuant to 28 U.S.C. §1367 because the claims are so-related to the Trademark Infringement claim.

10. Defendant files this Notice of Removal in accordance with 28 U.S.C. §1446. The averments made herein are true and correct with respect to the date upon which the Original Complaint was filed and continuously through the date upon which this Notice is being filed.

11. Defendant is simultaneously with the filing of this Notice giving written notice to Plaintiffs through their attorney. Defendant is also filing a copy of this Notice of Removal, and all attachments hereto, with the Prothonotary of the Court of Common Pleas of Lehigh County, Pennsylvania.

WHEREFORE, Defendant removes this Action from the Court of Common Pleas of Lehigh County, Pennsylvania to this Honorable Court pursuant to 28 U.S.C. §1446.

Dated: July 17, 2024

Respectfully submitted,

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY: 
MICHAEL J. D'ANIELLO, ESQUIRE

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY: MICHAEL J. D'ANIELLO, ESQUIRE

ATTORNEY I.D. NO. 38362

EMAIL: michael@daniellolaw.com

BY: JANINE D. MARTIN, ESQUIRE

ATTORNEY I.D. NO. 307224

EMAIL: janine@daniellolaw.com

509 SWEDE STREET

NORRISTOWN, PENNSYLVANIA 19401

(610) 270-8800

ATTORNEYS FOR DEFENDANT

JANE SCHUBERT and
MUHLENBERG COLLEGE

Plaintiffs

v.

ALEXANDER ISINHUE

Defendant.

: **IN THE UNITED STATES DISTRICT COURT**
: **EASTERN DISTRICT OF PENNSYLVANIA**

:

: No.

:

:

:

:

:

:

NOTICE TO PLAINTIFES

TO: Plaintiffs Jane Schubert and Muhlenberg College
c/o Dennis M. McCarthy, Esq.
645 Hamilton Street, Suite 510
Allentown, PA 18101


PLEASE TAKE NOTICE THAT Defendant Alexander Isinhue, by and through his undersigned counsel, has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania regarding an action previously pending in the Court of Common Pleas in Lehigh County, Pennsylvania, No, 2023-C-2820, captioned *Jane Schubert and Muhlenberg College v. Alexander Isinhue*.

Dated: July 17, 2024

Respectfully submitted,

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY:


MICHAEL J. D'ANIELLO, ESQUIRE
Attorney for Defendant

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY: MICHAEL J. D'ANIELLO, ESQUIRE

ATTORNEY I.D. NO. 38362

EMAIL: michael@daniellolaw.com

BY: JANINE D. MARTIN, ESQUIRE

ATTORNEY I.D. NO. 307224

EMAIL: janine@daniellolaw.com

509 SWEDE STREET

NORRISTOWN, PENNSYLVANIA 19401

(610) 270-8800

ATTORNEYS FOR DEFENDANT

JANE SCHUBERT and
MUHLENBERG COLLEGE

Plaintiffs

v.

ALEXANDER ISINHUE

Defendant.

: IN THE UNITED STATES DISTRICT COURT
: EASTERN DISTRICT OF PENNSYLVANIA

:

: No.

:

:

:

:

:

:

PROOF OF FILING


I, Michael J. D'Aniello, Esq., hereby depose and affirm that I caused a true and correct copy of the Notice of Removal and all attachments to be filed with the Prothonotary for the Court of Common Pleas in Lehigh County, Pennsylvania.

Dated: July 17, 2024

Respectfully submitted,

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY: _____


MICHAEL J. D'ANIELLO, ESQUIRE
Attorney for Defendant

THE LAW OFFICE OF MICHAEL J. D'ANIELLO
BY: MICHAEL J. D'ANIELLO, ESQUIRE
ATTORNEY I.D. NO. 38362
EMAIL: michael@daniellolaw.com
BY: JANINE D. MARTIN, ESQUIRE
ATTORNEY I.D. NO. 307224
EMAIL: janine@daniellolaw.com
509 SWEDE STREET
NORRISTOWN, PENNSYLVANIA 19401
(610) 270-8800

ATTORNEYS FOR DEFENDANT

JANE SCHUBERT and
MUHLENBERG COLLEGE

Plaintiffs

v.

ALEXANDER ISINHUE

Defendant.

: IN THE UNITED STATES DISTRICT COURT
: EASTERN DISTRICT OF PENNSYLVANIA

:

: No.

:

:

:

:

:

:

PROOF OF FILING


I, Michael J. D'Aniello, Esq., hereby depose and affirm that I caused a true and correct copy of the Notice of Removal and all attachments to be served electronically on all counsel of record.

Dated: July 17, 2024

Respectfully submitted,

THE LAW OFFICE OF MICHAEL J. D'ANIELLO

BY:


MICHAEL J. D'ANIELLO, ESQUIRE
Attorney for Defendant

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Muhlenberg College, 2400 Chew Street, Allentown, PA 18104

Address of Defendant: Alexander Isinhue, 5 Sommet, Newport Coast, CA 92657

Place of Accident, Incident or Transaction: Newport Coast, CA

RELATED CASE IF ANY:

Case Number: _____ Judge: _____ Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier Numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any now pending or within one year previously terminated action in this court except as note above.

DATE: _____

Attorney-at-Law (Must sign above)

38362

Attorney I.D. # (if applicable)

Civil (Place a \checkmark in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. All Other Federal Question Cases. *(Please specify):* _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☒ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury *(Please specify):* _____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)* _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2 § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law (Sign here if applicable)

Attorney ID # (if applicable)

NOTE: A trial de novo will be a jury only if there has been compliance with F.R.C.P. 38.